BILL NO. Z-80-02-21

ZONING MAP ORDINANCE NO. Z- 16-80

AN ORDINANCE amending Chapter 33 of the Code of the City of Fort Wayne, Indiana 1974.

Be It Ordained by the Common Council of the City of Fort Wayne, Indiana:

SECTION 1. That Chapter 33 of the Code of the City of Fort Wayne, Indiana, 1974 be amended to read as follows: Section 33-3 Definitions. The following terms, unless a contrary meaning is required by the context or specifically otherwise prescribed, shall have the following meanings:

(A) Accessory Building and Use

(1) A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises.

(2) Public utility communication, electric, gas, water and sewer lines, their supports and incidental equipment.

(3) Where a substantial part of the wall of an accessory building is part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as part of the main building.

(B) Accessory Living Quarters - Living quarters within an accessory building for the sole use of persons employed on the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

(C) Alley - A right-of-way other than a street, road, crosswalk or easement, designed for the special accommodation of the property it reaches.

(D) Block Face - The side of two city blocks that face a common street.

(E) Block Group - A block group is a combination of contiguous blocks having a combined average population of about 1,000. Block groups are approximately equal in area (discounting parks, cemetaries, railroads, yards, industrial plants, rural areas, etc.); they are subdivisions of census tracts which simplify numbering and data control. Each block is identified by the first digit of the three-digit block number. Block group "1" will contain any block in range 101-199, block group "2" in range 201-299, etc.

(F) Board - the Board of Zoning Appeals of the City of Fort Wayne.

(G) Building - A structure having a roof supported by columns or walls designed, built or used for the enclosure, shelter or protection of persons, animals, chattels or property.

(H) Building, Detached - A building having no structural connection with another building.

(I) Building, Height of - The vertical distance measured from the adjoining street centerline grade at a point opposite of the center of the principal frontage of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean heights level between the eaves and ridge of a gable, hop or gambrel roof. Where the buildings are set back from the street line, the heights of the building may be measured from the average elevation of the finished lot grade at the front of the building.

(J) Building Line - The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

(K) Building, Main - A building constituting the principal use of a lot.

(L) Building, Nonconforming - A legally existing building which fails to comply with the regulations set forth in this chapter applicable to the district in which such building is located.

(M) Building, Semi-Detached - A main building having one wall in common with an adjacent main building.

(N) Camp Ground - Any area or tract of land used or rented for occupancy by campers using tents for periods not to exceed two weeks.

(O) Cemetery - Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

(P) Certificate of Occupancy - A certificate issued by the Zoning Enforcement Officer stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this chapter.

(Q) Clinic or Medical Health Center - An establishment where patients are admitted for special study and treatment by two or more licensed physicians and their professional associates, practicing medicine together.

(R) Commission - The Fort Wayne City Plan Commission.

(S) Day Care - Means the care, supervision and guidance of a child, not related to the operator by blood or marriage, on a regular basis, for periods of less than 24 hours per day, in a place other than the child's own home.

(T) Day Care Home - Means a day care home serving six (6) or fewer children with one operator/and ten (10) children with an assistant. The children in the home, not related to the operator by blood or marriage, at any one time shall not exceed the number approved by this definition. The day care home operator shall hold a valid Day Care Home License from the Indiana Department of Public Welfare for Day Care Home Operator in Allen County, Indiana.

(U) District or Zone - A section of the territorial jurisdictional area of the Fort Wayne City Plan Commission for which uniform regulations governing the use, heights, area, size and intensity of use of buildings and land, and open spaces about buildings are established by this chapter.

(V) Dwelling - A building or portion thereof, used primarily as a place of abode for one or more human beings, but not including hotels, lodging or boarding houses or tourist homes.

(W) Dwelling, Multiple Family - A building or portion thereof used for occupancy by two, three or more families living independently of each other.

(X) Dwelling, One Family - A building used for occupancy by one family.

(Y) Dwelling, Two Family - A building used for occupancy by two families living independently of each other.

(Z) Dwelling Unit - A dwelling or a portion of a dwelling or of an apartment hotel used by one family for cooking, living and sleeping purposes.

(AA) Educational Institution - Public, parochial, charitable or non-profit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

(BB) Extended Group Home - A facility located in a residential community providing shelter and/or rehabilitation for from seven (7) to fourteen (14) children under the age of eighteen (18) years, referred by a governmental body or duly licensed social service agency, who for various reasons cannot reside in their family home. Twenty-four hour adult supervision is mandatory and professional supervision and consultation is available to both child care staff and children. The purpose of this type of facility is to provide a service for the child who does not need the structure of an institution in that he/she does not present a threat to the community, yet is not a foster home candidate. The goal of the service is to return home, other placement or emancipation, depending upon the age of the child and the circumstances of his/her family.

(CC) Family - One or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nurses home, fraternity or sorority house. A family shall be deemed to include servants.

(DD) Garage, Private - A detached accessory building or a portion of a main building, used for the storage of self-propelled vehicles where the capacity does not exceed three vehicles, or not more than one and one-half vehicles per family housed in the building to which such garage is accessory, whichever is the greater.

(EE) Garage, Public - Any building or structure other than a private garage, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

(FF) Half-Way House - A resident facility for sixteen (16) or less persons eighteen (18) years of age or older, referred by a governmental body or duly licensed social service agency, which provides short-term rehabilitative services in a transitional environment, to persons who are physically, emotionally or socially handicapped. The goal of the service is to aid the individual's successful re-entry into the community as an independent and a productive member.

(GG) Home Occupation - Any use conducted entirely within a dwelling and participated in solely by members of the family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no commodity sold upon the premises except that which is produced thereon, and provided, however, in no event shall a tea room or animal hospital be considered as a Home Occupation.

(HH) Hotel or Motel - A structure or portion thereof in which more than five guest rooms are used to provide or offer temporary accommodations for transient guests.

(II) Improvement Location Permit - A permit issued by the Zoning Enforcement Officer stating that the proposed erection, construction, enlargement or moving of the building or structure referred to therein complies with the provisions of this chapter.

(JJ) Junkyard - Including Automobile Wrecking - a lot or a part thereof used for the storage, keeping, dismantling, abandonment or sale of junk, scrap metal, scrap vehicles or scrap machinery or parts thereof.

(KK) Kennel, Animal - Any place where more than three dogs or more than three any single type of domestic animals are kept. For this purpose such animals shall not be counted until they reach the age of six months.

(LL) Limited Group Home - A facility located in a residential community providing shelter and/or rehabilitation for six (6) or less children under the age of eighteen (18) years, referred by a governmental body or duly licensed social service agency, who for various reasons cannot reside in their family home. Twenty-four adult supervision is mandatory and professional supervision and consultation is available to both child care staff and children. The purpose of this type of facility is to provide a service for the child who does not need the structure of an institution in that he/she does not present a threat to the community, yet is not a foster home candidate. The goal of the service is to return home, other placement or emancipation, depending upon the age of the child and the circumstances of his/her family.

(MM) Lodging House - A building with more than two but not more than ten (10) guest rooms where lodging with or without meals is provided.

(NN) Lot - A parcel, tract or area of land, it may be single parcel separately described in a deed or plat which is recorded in the Office of the County Recorder; it may be a part of a single parcel described in a deed or plat which is recorded in the Office of the County Recorder, provided the part to be used is adequate in size to meet all yard requirements of the Zoning Ordinance; or it may include parts of a combinationof such parcels when adjacent to one another and used as one. In determining lot area and boundary lines, no part thereof within the limits of the street or any private access serving more than one main building shall be included.

(OO) Lot, Corner - A lot at the junction of and abutting two or more intersecting streets.

(PP) Lot, Front - That part of a lot adjacent to and parallel with the street. The front of a corner lot shall be considered as that part of the lot having the least amount of footage adjacent to and parallel with either one of the streets. Whenever such footage is the same on both of such streets, either part of the corner lot may be considered as the front of the lot.

(QQ) Lot, Through - A lot having frontage on two parallel or approximately parallel streets.

(RR) Lot Width - The dimension of a lot, measured between side lot lines on the building line.

(SS) Mobile Home, Dependent - A mobile home which requires service connection for sewer, water and power facilities and which is so designed or constructed to permit occupancy for dwelling or sleeping purposes.

(TT) Mobile Home, Independent - One which does not require service connections for sewer, water or power and is so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

(UU) Mobile Home Park - Any tract of ground designed for use or used by one or more mobile homes which provides the necessary services such as water, sewer and power connections for the dependent-type mobile homes as defined in this ordinance.

(VV) Parking Area, Public - An open area, other than a street or alley designed for use or used for the temporary parking or more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.

(WW) Parking Space (Off-Street, One) - A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than 9 ffet wide and 20 feet long exclusive of passageways.

(XX) Person - A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

(YY) Private School - Private preprimary, primary, grade, high or preparation school or academy.

(ZZ) Sign - Any board, device or structure or part thereof used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purposes of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein.

(AAA) Story - That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above it, then the space between any floor and the ceiling next above it; also any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the front of the building exceeds four (4) feet.

(BBB) Story, Half - A story under a gable, hop or gambrel rood, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

(CCC) Street - A public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of law.

(DDD) Structure - Anything constructed or erected which requires location in or on the ground or attachment to something having a location in or on the ground.

(EEE) Territorial Jurisdiction - The City of Fort Wayne, Indiana, and the contiguous unincorporated areas outside of the City of Fort Wayne shown on a map on file in the Office of the County Recorder of Allen County, Indiana.

(FFF) Tourist Home - A building in which one but not more than five (5) guest rooms are used to provide or offer overnight accommodations for transient guests.

(GGG) Trade or Business School - Secretarial or Business School or College when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit corporation; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for teaching industrial or technical skills.

(HHH) Trailer Park - Any tract of ground designed for use or used by one or more trailers of the independent mobile home type defined in this ordinance and which is used for dwelling or sleeping purposes regardless of whether a charge is made for such accommodation.

(III) Use - The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

(JJJ) Use, Nonconforming - An existing use of land or building which fails to comply with the requirements set forth in the chapter applicable to the district in which such use is located.

(KKK) Use, Open - The use of a lot without a building or including a building incidental to the open use with a ground floor area equal to five (5) percent or less of the area of the lot.

(LLL) Yard - A space on the same lot with a main building, open, unoccupied and unobstructed by structures, except as otherwise provided in this chapter.

(MMM) Yard, Front - A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the building line.

(NNN) Yard, Rear - A yard extending across the full width of the lot between the rear of the main building and the rear lot line the depth of which is the least distance between the rear lot line and the rear of such main building.

(OOO) Yard, Side - A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at 90 degrees with the side lot line, from the nearest point of the side lot line to the nearest part of the main building.

(PPP) Zoning Enforcement Officer - An official of the Plan Commission Staff of the City of Fort Wayne, Indiana who issues any and all required permits and enforces the provisions of this chapter and the planning and zoning laws of the State of Indiana within the planning jurisdiction of the Fort Wayne Plan Commission.

SECTION 2. Section 33-14 of the Code of the City of Fort Wayne, Indiana, 1974 be amended to read as follows: Section 33-14 Permitted Uses - Specified Districts. The following uses shall be permitted in the district hereinafter specified:

A. "R1" District - One Family Residence

(1) One Family Dwelling

(2) Public Park or Recreation Area

(3) Church, Public or Parochial Primary or Secondary School, including attached or free standing announcement or bulletin board, not exceeding 24 square feet in area.

(4) Home Occupation

(5) Limited Group Home, if its location is first approved by the Board following a public hearing.

(6) Day Care Home

(7) Accessory Building and Use

(8) Name Plat or Sign - One per dwelling unit not exceeding 1 square foot in area; unlighted signs not exceeding 12 square feet in area pertaining to sale or rental of property on which located.

B. "R2" District - Two Family Residence

(1) All Uses Permitted in the "R1" District, plus:

(2) Two Family Dwelling

(3) Limited Group Home, provided that not more than two group homes or halfway houses in any combination as outlined by definitions (BB), (FF) and (LL) shall be located in any block group and that not more than one group home or halfway house be located on a block face without prior approval of the Board of Zoning Appeals (see definitions for block groups and block faces). In no event shall any of the above uses be contiguous. Certificate of Occupancy required in all cases.

(4) Extended Group Homes, if its location is first approved by the Board following a public hearing.

(5) Half-Way House, if its location is first approved by the Board following a public hearing.

(6) Accessory Building and Use

C. "R3" District - Multiple Family Residence

(1) All uses permitted in the "R2" District, plus:

(2) Multiple Family Residence

(3) Apartment Hotel

(4) Tourist Home, Lodging Home

(5) Nursing Home or Rest Home

(6) Non-Profit Private Club

(7) Mortuary

(8) Extended Group Home, provided that not more than two group homes or halfway houses in any combination as outlined by definitions (BB), (FF) and (LL) shall be located in any block group and that not more than one group home or halfway house be located on a block face without prior approval of the Board of Zoning Appeals (see definitions for block groups and block faces). In no event shall any of the above uses be contiguous. Certificate of Occupancy required in all cases.

(9) Half-Way House, provided that not more than two group homes or half-way houses in any combination as outlined by definitions (BB), (FF) and (LL) shall be located in any block group and that not more than one approval of the Board of Zoning Appeals (see definitions for block groups and block faces). In no event shall any of the above uses be contiguous. Certificate of Occupancy required in all cases.

(10) Office or Studio - if its location is first approved by the Board following a public hearing.

(11) Accessory Building and Use

D. "RA" District and "RB" District - Residence (G-97-70, 8/25/70)

(1) Dwelling

(2) Public Park and Recreation Area

(3) Church, Public or Parochial Primary or Secondary School, including attached or free standing bulletin board not exceeding 24 square feet in area.

(4) Agriculture, Nursery or Truck Garden (Open or Under Glass)

(5) Home Occupation

(6) Tourist Home or Lodging Home, if its location is first approved by the Board of Zoning Appeals following a public hearing.

(7) Nursing Home or Rest Home, if its location is first approved by the Board following a public hearing.

(8) Accessory Building and Use, including roadside stands for the retail sale of commodities produced on the premises only.

(9) Name Plate or Sign, one per dwelling not exceeding 1 square foot in area; unlighted signs not exceeding 12 square feet in area pertaining to the sale or rental of property on which it is located.

(10) If the Commission shall find that substantial property rights in the area surrounding the tract may be directly affected by the development, a public hearing shall be held by the Commission before it approves a preliminary development plan; otherwise, a public hearing shall not be required. Notice of any such public hearing shall be the same notice as is required under the laws of the State of Indiana for the adoption of a Master Plan or amendments thereto under the Planning Acts of the State of Indiana.

a. The development plan shall meet the location criteria:

(i) The location and size of the development would be compatible with the surrounding area and would not conflict with any components of the Master Plan of the City of Fort Wayne.

(ii) The location of the development would provide direct access to a secondary or primary street or sufficient right-of-way and improvement width, or a residential street that meets the minimum requirements of both right-of-way and improvement of a secondary street unless waived by the Plan Commission.

(iii) Written approval is received from the agency having jurisdiction that the development would not impose hardships on the following facilities:

(a) Water
(b) Sewer
(c) Streets
(d) Schools
(e) Parks & Playgrounds
(f) Fire Protection
(g) Storm Water Drainage

(iv) The Commission shall determine which street shall be dedicated and which passageways are to be private streets or parking lots.

(v) If the Commission is of the opinion that the location of the multiple family or multiple group development would conflict with the Master Plan for the City of Fort Wayne or would be detrimental to the growth of existing uses in the surrounding area, the Commission may disapprove said multiple development proposal, providing, however, such approval by the Commission will not be unreasonably withheld.

b. The preliminary development plan shall meet the following standards and include the following information and supporting data:

(i) No less than 2,500 square feet of land is devoted to any efficiency, one or two bedroom living unit. In determining density no part of any existing street right-of-way or proposed right-of-way as shown in the Thoroughfare Plan shall be included.

(ii) Living units having three (3) or more bedrooms shall have a minimum 4,000 square feet of land per unit. In determining density no part of any existing street right-of-way or proposed right-of-way as shown in the Thoroughfare Plan shall be included.

(iii) The minimum off-street parking requirement shall be one and one-half (1½) spaces per unit and must be in acceptable location to the building served. All parking spaces on public or private streets shall be parallel to the street.

(iv) All dedicated streets shall conform to the minimum requirements of the Subdivision Control Ordinance of the City of Fort Wayne and provide alignment with existing dedicated streets.

(v) The maximum building coverage does not exceed thirty (30) percent of the tract, exclusive of streets.

(vi) Recreation or laundry facilities be located in a manner that would serve only the proposed multiple family complex. The use of these facilities by persons living outside this complex would be a violation of this ordinance.

(vii) In a multiple family or multiple group development, no building shall be closer than twenty-five (25) feet to an adjacent property line in the case of a one-story building nor closer than thirty (30) feet in the case of a two-story building. The Plan Commission may waive front, side or rear yard requirements if such waiver would compliment the plan.

(viii) Date, Scale 1" = 50', North Point, Name of Designer or Engineer and name and address of developer of tract.

(ix) Accurate boundaries of proposed development and accurate location of abutting streets and structures.

(x) Location, size, use and capacity of all structures existing or to be placed on the tract.

(xi) Proposed point of ingress and egress for the planned development with proposed parking areas.

(xii) Existing and proposed rights-of-way of existing or proposed streets road and highways.

(xiii) Proposed site screening and landscaping of development. A minimum of forty (40) percent of all open space, exclusive of streets, shall be devoted to landscaping, unless waived by the Commission.

(xiv) Proposals for sewers, water, gas, electricity and storm drainage and the necessary easements for these utilities.

(xv) Proposals for control of storm water runoff.

(xvi) A fifty dollar (50) application fee must be paid to City Controller for the processing of this development plan.

(xvii) The Commission shall determine the location and type of all additional sidewalks.

c. If the Commission approves the preliminary development plan, the final development plan shall be submitted to the Commission twenty-one (21) days prior to their next scheduled meeting and include the original tracing, five (5) prints and the following additional data:

(i) Five (5) sets of improvement plans to be distributed to the Street Engineer, Water Engineer and Sewer Engineer and drawn in compliance with the Fort Wayne Board of Public Works Specifications.

(ii) Existing contours at two (2) foot intervals with spot elevations of finished grade and directions of storm water runoff.

(iii) To dedicate the streets and easements within this development plan, the following should be added:

(a) Name of Plat
(b) Street name assigned to streets to be dedicated and defining of streets or drives to remain private.
(c) Certification by land surveyor registered by the State of Indiana.
(d) Lot lines and dimensions.
(e) Execution and notary by owners of land.
(f) Instrument of approval for signatures of governing bodies.
(g) Private restrictive covenants.
(h) Statement dedicating streets and easements to the City of Fort Wayne.

SECTION 2. If any section, clause, sentence part or paragraph of this Ordinance shall be declared invalid , it shall not affect the legality of the remainder or other parts of this ordinance.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Councilman

Approved as to form and legality
February 11, 1980
John H. Hogan, Attorney for Common Council of the City of Fort Wayne, Indiana

Read the first time in full and on motion by Eisbart, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on ~~_____~~, the ~~_____~~ day of ~~_____~~, 19____, at ~~_____~~ o'clock ~~___~~ M.,E.S.T.

DATE: 2-12-80

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Eisbart, seconded by Nuckols, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	7	0		2	
BURNS	X				
EISBART	X				
GiaQUINTA				X	
NUCKOLS	X				
SCHMIDT, D.	X				
SCHMIDT, V.	X				
SCHOMBURG	X				
STIER				X	
TALARICO	X				

DATE: 4/22/80

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (~~GENERAL~~) (~~ANNEXATION~~) (~~SPECIAL~~) (APPROPRIATION) ORDINANCE (~~RESOLUTION~~) No. 3-16-80

on the 22nd day of April, 19 80.

ATTEST: (SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Vivian G. Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 19 80, at the hour of 11:30 o'clock A. M.,E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 1st day of May 19 80, at the hour of 3 o'clock P M.,E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. Z-80-02-21

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN ORDINANCE amending Chapter 33 of the Code of the City of Fort Wayne, Indiana 1974

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN EISBART, CHAIRMAN

JOHN NUCKOLS, VICE CHAIRMAN

JAMES S. STIER

SAMUEL J. TALARICO

DONALD J. SCHMIDT

4-22-80
DATE

CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

Section 2. If any section, clause, sentence, part or paragraph of the Ordinance shall be declared invalid it shall not affect the legality of the remainder or other parts of this Ordinance ~~shall not be affected thereby~~.

Section 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Councilman

Ordinance No 3 ——————

An Ordinance amending Chapter 33
of the Code of the City of Fort Wayne,
Indiana 1974. Section 33-3 Definitions

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

25 March 1980

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is an amendment to the Zoning Ordinance acted upon by the City Plan Commission at their meeting held March 24, 1980. The following are additional remarks pertaining to the ordinance.

1. Bill No. Z-80-02-21 - Day Care Home

2. Plan Commission Recommendation: DO PASS

   This amendment to the Zoning Ordinance received a DO PASS recommendation for the following reason:

   a. This amendment will provide much needed child care in the community while preserving the character of residential neighborhoods.

If there are any questions with regard to this amendment to the Zoning Ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten

Gary F. Baeten
Senior Planner

GFB:pb

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

25 March 1980

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on an amendment to the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed amendment is designated as:

Bill No. Z-80-02-21

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of March 1980.

Tu. Joyce Schlatter

Joyce Schlatter
Secretary

DIGEST SHEET

TITLE OF ORDINANCE Amendment to Zoning Ordinance for Day Care 3-80-02-21

DEPARTMENT REQUESTING ORDINANCE CD&P

SYNOPSIS OF ORDINANCE Insert definition for Day Care & Day Care Home and deleted Day Nursery and need for approval by BZA. In its place inserted Day Care Home as a permitted use in an R-1 Zone.

EFFECT OF PASSAGE Day Care Homes will be permitted in all zones without the approval of the BZA.

EFFECT OF NON-PASSAGE Day Care Homes will not be permitted in all zones without the approval of the BZA.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

ASSIGNED TO COMMITTEE (J.N.)

OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

charles w. westerman, clerk -:- room 122

May 5, 1980

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of May 8 and May 15, 1980, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Zoning Map Ordinances:

Bill No. Z-78-11-23
(as amended)
Zoning Map Ordinance No. Z-15-80

Bill No. Z-80-02-21
Zoning Map Ordinance No. Z-16-80

Please send us eight copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman

Charles W. Westerman
City Clerk

CWW/ne
Encl: 1

LEGAL NOTICE

Notice is hereby given that on the 22nd day of April, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. Z-78-11-23 (as amended) -- Zoning Map Ordinance No. Z-15-80, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. I-22.

Notice is hereby given that on the 22nd day of April, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. Z-80-02-21 -- Zoning Map Ordinance No. Z-16-80, being AN ORDINANCE amending Chapter 33 of the Code of the City of Fort Wayne, Indiana 1974.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-78-11-23 (as amended) -- Zoning Map Ordinance No. Z-15-80 and Bill No. Z-80-02-21 -- Zoning Map Ordinance No. Z-16-80 were passed by the Common Council on the 22nd day of April, 1980, said Ordinances were duly signed and approved by the Mayor on the 1st and 2nd day of May, 1980, and now remains on file and on record in my office.

Copies of Bill No. Z-78-11-23 (as amended) -- Zoning Map Ordinance No. Z-15-80 and Bill No. Z-80-02-21 -- Zoning Map Ordinance No. Z-16-80, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana.

(1) The main floor lobby of the City-County Building

(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library

(3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. Z-78-11-23(as amended) -- Zoning Map Ordinance No. Z-15-80 and Bill No. Z-80-02-21 -- Zoning Map Ordinance No. Z-16-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana.

(1) Reference Room in the north end of the main floor in said Downtown Public Library

(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana

Charles W. Westerman

Charles W. Westerman - City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana fufilled and posted the above ordinanaes in the designated places as stated on May 3, 1980.

Charles W. Westerman

Charles W. Westerman - City Clerk

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines	
Head	number of lines	
Body	number of lines	68
Tail	number of lines	2
	Total number of lines in notice	70

COMPUTION OF CHARGES

70 lines, 1 columns wide equals 70 equivalent lines at .253¢ cents per line	$ 17.71
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two) 6 extra	3.00
TOTAL AMOUNT OF CLAIM.	$ 20.71

DATA FOR COMPUTING COST

Width of single column 9.6 picas — Size of type 6 point

Number of insertions 2 — Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date May 15, 19 80 — Title CLERK

ATTAC
ADVERTI

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(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana

CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana fulfilled and posted the above ordinances in the designated places as stated on May 8, 1980.

CHARLES W. WESTERMAN
City Clerk

5—8-15

Notice is hereby given that on the 22nd day of April, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. Z-78-11-23 (as amended) — Zoning Map Ordinance No. Z-15-80, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 1-22.

Notice is hereby given that on the 22nd day of April, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. Z-80-02-21 — Zoning Map Ordinance No. Z-16-80,

PUBLISHER'S AFFIDAVIT

Indiana
County SS.

ially appeared before me, a notary public in and for said county and state, the
igned ARVILLA DEWALD who, being duly sworn, says
e is CLERK of the
JOURNAL-GAZETTE
DAILY newspaper of general circulation printed and published
English language in the city of FORT WAYNE, INDIANA
town
ite and county aforesaid, and that the printed matter attached hereto is a true copy,
was duly published in said paper for two times, the dates of publication being
ows: 5/8 - 5/15/80

Arvilla DeWald

ibed and sworn to before me this 15 th day of May 19 80

Notary Public

mmission expires September 28, 1983

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date May 15, 19 80

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

5/8 - 5/15/80

Arvilla DeWald

Subscribed and sworn to before me this 15 th day of May 19 80

Notary Public

My commission expires September 28, 1983

Notice is hereby given that on the 22nd day of April, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. Z-78-11-23 (as amended) — Zoning Map Ordinance No. Z-15-80, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. I-22.

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5—8-15

Form Prescribed by State Board of Accounts

General Form No. 99 P(Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

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Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

D. Roose

Date May 15, 19 80

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS

Personally appeared before me, a notary public in and for said county and state, the signed D. Roose who, being duly sworn, says he is CLERK of the NEWS-SENTINEL DAILY newspaper of general circulation printed and published English language in the city of FORT WAYNE, INDIANA town and county aforesaid, and that the printed matter attached hereto is a true copy, was duly published in said paper for two times, the dates of publication being ows: 5/8 - 5/15/80

D. Roose

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Notary Public

mmission expires September 28, 1983

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I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-78-11-23 (as amended) — Zoning Map Ordinance No. Z-15-80 and Bill No. Z-80-02-21 — Zoning Map Ordinance No. Z-16-80 were passed by the Common Council on the 22nd day of April, 1980, said Ordinances were duly signed and approved by the Mayor on the 1st and 2nd day of May, 1980, and now remains on file and on record in my office.

Copies of Bill No. Z-78-11-23 (as amended) — Zoning Map Ordinance No. Z-15-80 and Bill No. Z-80-02-21 — Zoning Map Ordinance No. Z-16-80, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana.

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(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana.

CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana fulfilled and posted the above ordinances in the designated places as stated on May 8, 1980.

CHARLES W. WESTERMAN
City Clerk

5—8-15

Form 003

Form Prescribed by State Board of Accounts

General Form No. 99 P(Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

Allen County, Ind.

To NEWS-SENTINEL Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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D Roose

Date May 15, 19 80

Title CLERK

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I, Charl... the City o... filled and ... nances in ... stated on ... CHA...

5—8-15

Alt... diana ... ebra ... der ir ... ues . ... n: St ... • Te

Form 003

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned D. Roose who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 5/8 - 5/15/80

D Roose

Subscribed and sworn to before me this 15 th day of May 19 80

Harry V. Owens
Notary Public

My commission expires September 28, 1983